

MAR 16 2016

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

HAMEEN SHAHID IRVIN,  
Plaintiff,

Civil Action No. 7:16-cv-00089

v.

MEMORANDUM OPINION

ROANOKE COUNTY COURTS, *et al.*,  
Defendant(s).

By: Hon. Glen E. Conrad  
Chief United States District Judge

Hameen Shahid Irvin, proceeding pro se, filed a civil rights complaint, pursuant to 42 U.S.C. § 1983, while incarcerated. The court received and docketed the § 1983 action on March 2, 2016. By its order entered that same day, the court advised plaintiff that a failure to update a mailing address after a transfer or release from incarceration would result in dismissal of this action.

The copy of the March 2 order that was mailed to plaintiff at the jail address he provided has been returned as undeliverable, with a notation indicating that the mail was refused because jail officials had no forwarding address. Plaintiff has not contacted the court since he filed the case. Therefore, the court finds that plaintiff has failed to prosecute this action, pursuant to Federal Rule of Civil Procedure 41(b). Accordingly, the court dismisses the action without prejudice. See Donnelly v. Johns-Manville Sales Corp., 677 F.2d 339, 340-41 (3d Cir. 1982) (recognizing a district court may sua sponte dismiss an action pursuant to Fed. R. Civ. P. 41(b)). The Clerk is directed to send copies of this Memorandum Opinion and the accompanying Order to plaintiff.

ENTER: This 16<sup>th</sup> day of March, 2016.



Chief United States District Judge